



Online Services

Agency List

Business

 Search**R592. Insurance, Title and Escrow Commission. (Effective 12-13-06)****R592-2. Title Insurance Administrative Hearings and Penalty Imposition.****R592-2-1. Authority.**

This rule is promulgated pursuant to Subsections 31A-2-404(2)(e) and (h), which direct the Title and Escrow Commission to make rules pertaining to the conduct of title administrative hearings, the delegation of title administrative hearings, and the imposition of penalties for violations of statute or rule.

R592-2-2. Purpose and Scope.

- (1) The purpose of this rule is
 - (a) to establish procedures for the Commission:
 - (i) to delegate authority to the department's administrative law judge to conduct an administrative hearing; or
 - (ii) to conduct an administrative hearing; and
 - (b) to establish procedures for the Commission, after an investigation by the commissioner, to impose penalties and for the commissioner to concur with the penalties.
- (2) This rule applies to all title licensees, applicants for a title insurance license, unlicensed persons doing business as a title licensee, and continuing education providers submitting title continuing education programs for approval.

R592-2-3. Definitions.

"Title licensee" has the same meaning as found in Section 31A-2-402(3).

R592-2-4. Administrative Hearings.

- (1) When an investigation involving title insurance or escrow is concluded and the commissioner or the respondent request an administrative hearing, the commissioner will report to the Commission the commissioner's conclusion and recommended disposition of the matter under investigation.
- (2) The Commission will review the report at each meeting and, either:
 - (a) delegate the conduct of the requested administrative hearing to the department's administrative law judge; or
 - (b) determine that the Commission will conduct the requested administrative hearing.
- (3) For an administrative hearing conducted by the Commission, the Commission will:
 - (a) set the date, time, and place of the administrative hearing;
 - (b) notify the title license applicant, the title licensee, or the continuing education program of the date, time, and place of the administrative hearing;
 - (c) conduct the hearing:
 - (i) hear the evidence; and
 - (ii) make a decision based on the evidence presented;
 - (d) impose penalties, with the concurrence of the commissioner, in accordance with Sections 31A-2-308, 31A-23a-111, 31A-23a-112, 31A-26-213, and 31A-26-214; and
 - (e) issue an Order on Hearing.
- (4) The department's administrative law judge will assist the Commission in its conduct of an administrative hearing as required.

R592-2-5. Imposition of Penalties.

- (1) If the resolution of the investigation is other than an administrative hearing or is an administrative hearing conducted by the department's administrative law judge, and the administrative proceeding imposes a penalty, the Commission must concur with the penalty imposed, prior to the imposition of the penalty.
- (2) If the resolution of the investigation is an administrative hearing conducted by the Commission, and the administrative hearing imposes a penalty, the commissioner must concur with the penalty imposed, prior to the imposition of the penalty.

R592-2-6. Severability.

If any section, term, or provision of this rule shall be adjudged invalid for any reason, such judgment shall not affect, impair or invalidate any other section, term, or provision of this rule

and the remaining sections, terms, and provisions shall be and remain in full force.

R592-2-7. Enforcement Date.

The commissioner will begin enforcing this rule upon the rule's effective date.

KEY: title insurance

Date of Enactment or Last Substantive Amendment: September 30,

Authorizing, and Implemented or Interpreted Law: 31A-2-402

[\[Back to Top\]](#)

[Utah.gov Home](#) | [Utah.gov Terms of Use](#) | [Utah.gov Privacy Policy](#) | [Utah.gov Accessibility Policy](#)

Copyright © 2008 State of Utah - All rights reserved.